

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARIA CONTRERAS,

Plaintiff,

vs

ZALE DELAWARE, INC. D/B/A
SIGNET JEWELERS and ZALE
CORPORATION

Defendants.

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C.A. NO. 3:21-cv-192

JURY TRIAL DEMANDED

**DEFENDANTS ZALE DELAWARE, INC. D/B/A SIGNET JEWELERS
AND ZALE CORPORATION'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Zale Delaware, Inc. d/b/a Signet Jewelers and Zale Corporation ("Defendants") file this Notice of Removal of Cause No. 2021-DCV-2127 from the 327th Judicial District Court of El Paso County, Texas, in which this case is now pending, to the United States District Court for the Western District of Texas, El Paso Division, and in support thereof would show:

STATEMENT OF GROUNDS FOR REMOVAL

1. Plaintiff sued Zale Delaware, Inc. d/b/a Signet Jewelers and Zale Corporation claiming she was terminated and retaliated against in violation of the Texas Labor Code § 21.001 *et seq* . Plaintiff's Original Petition states she seeks monetary relief over \$250,000 but not more than \$1,000,000.

2. Plaintiff's Original Petition, Civil Process Requests, and Defendants' Answer in State Court constitute all process, pleadings, and orders served and on file in this action. Pursuant to 28 U.S.C. § 1446(a), copies of these items, along with an index of matters being filed and a list

of all counsel of record, are attached as Exhibit A; there were no orders entered by the state court judge. Plaintiff made a demand for jury trial in the State Action.

3. This Notice of Removal is filed within the time allowed for removal of civil actions pursuant to 28 U.S.C. § 1446(b)(1).

4. Venue is appropriate because this Court is in the district and division embracing the place where the state court action is pending. 28 U.S.C. § 1441(a).

5. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds \$75,000.

6. Plaintiff is a citizen of Texas. *See* Pl.'s Pet. at 1. Defendants are citizens of Delaware and Ohio. Defendant Zale Delaware, Inc. d/b/a Signet Jewelers is incorporated in Delaware and has its principal place of business in Akron, Ohio. *See* Pl.'s Pet at 1. Defendant Zale Corporation is incorporated in Delaware and has its principal place of business in Akron, Ohio. *See* Pl.'s Pet at 1.

7. Plaintiff seeks damages in excess of \$200,000. *See* Pl.'s Pet. at 6.

8. Plaintiff's claims have not been made non-removable by statute. This action is, therefore, removable pursuant to 28 U.S.C. § 1441(b).

9. A copy of this Notice of Removal is being contemporaneously filed with the Clerk of the 327th Judicial District Court of El Paso County, Texas and contemporaneously served upon counsel for the Plaintiff as required by 28 U.S.C. § 1446(d).

10. Written notice of this removal has been given to the only other party, Plaintiff, and a copy of this Notice of Removal is being promptly filed with the District Clerk of El Paso County, Texas, via e-file on August 19, 2021. Removal of this case is effective as of that date, pursuant to 28 U.S.C. § 1446.

11. No other party needs to consent to this removal.

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP

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Attorneys for Defendants

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Zale Corporation

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2021, I electronically filed *Defendants Zale Delaware, Inc. d/b/a Signet Jewelers and Zale Corporation's Notice of Removal* and will send notification of such filing to the following:

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/s/ Kathryn Hand

Kathryn Hand